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10 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
11 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. VN 2006-1363

13 RAMON ENRIQUEZ SANTIAGO, JR.
15486 Rancho Fontana Village Pkwy.
14 Fontana, CA 92336
15 Vocational Nurse License No. VN 213229

A C C U S A T I O N

16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

- 20 1. Complainant Teresa Bello-Jones, J.D., M.S.N., R.N. brings this
21 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
22 Nursing and Psychiatric Technicians, Department of Consumer Affairs (Bureau).
23 2. On January 31, 2005, the Bureau issued Vocational Nurse License No. VN
24 213229 to respondent Ramon Enriquez Santiago, Jr. The Vocational Nurse License was in full
25 force and effect at all times relevant to the charges brought herein and will expire on April 30,
26 2010, unless renewed.

27 **JURISDICTION**

- 28 3. This Accusation is brought before the Bureau, under the authority of the

1 following laws. All Section references are to the Business and Professions Code unless
2 otherwise indicated.

3 STATUTORY PROVISIONS

4 4. Section 118, subdivision (b), provides, in pertinent part, that the expiration
5 of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action
6 during the period within which the license may be renewed, restored, reissued or reinstated.
7 Under Section 2892.1, the Bureau may renew an expired license at any time within four years after
8 the license has expired.

9 5. Section 490 provides, in pertinent part, that the Bureau may suspend or
10 revoke a license when it finds that the licensee has been convicted of a crime substantially related
11 to the qualifications, functions or duties of a licensed vocational nurse.

12 6. Section 2875 provides, in pertinent part, that the Bureau may discipline the
13 holder of a vocational nurse license for any reason provided in Article 3 (commencing with
14 section 2875) of the Vocational Nursing Practice Act.

15 7. Section 2878 states, in pertinent part:

16 "The Board may suspend or revoke a license issued under this chapter [the
17 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

18 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

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20 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or
21 abetting the violating of, or conspiring to violate any provision or term of this chapter.

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23 "(f) Conviction of a crime substantially related to the qualifications, functions,
24 and duties of a licensed vocational nurse, in which event the record of the conviction shall be
25 conclusive evidence of the conviction.

26

27 "(j) The commission of any act involving dishonesty, when that action is related
28 to the duties and functions of the licensee. . . ."

1 8. California Code of Regulations, title 16, section 2521 states, in pertinent
2 part:

3 “For the purposes of denial, suspension, or revocation of a license pursuant to
4 Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime or
5 act shall be considered to be substantially related to the qualifications, functions or duties of a
6 licensed vocational nurse if to a substantial degree it evidences present or potential unfitness of a
7 licensed vocational nurse to perform the functions authorized by his license in a manner
8 consistent with the public health, safety, or welfare. Such crimes or acts shall include but not be
9 limited to those involving the following:

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11 “(c) Violating or attempting to violate, directly or indirectly, or assisting in or
12 abetting the violation of, or conspiring to violate any provision or term of Chapter 6.5, Division 2
13 of the Business and Professions Code. . . .”

14 9. Section 125.3 provides, in pertinent part, that the Bureau may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations
16 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 **FIRST CAUSE FOR DISCIPLINE**

19 **(Conviction of Substantially Related Crime)**

20 10. Respondent is subject to disciplinary action under Sections 490 and 2878,
21 subdivision (f), as defined in California Code of Regulations, title 16, section 2521, in that on or
22 about May 7, 2007, he was convicted of a crime substantially related to the qualifications,
23 functions or duties of a licensed vocational nurse. The conviction manifests respondent's
24 present or potential unfitness to perform the functions authorized by his license in a manner that
25 is consistent with the public health, safety, or welfare,. The circumstances of the conviction are
26 as follows:

27 a. On May 7, 2007, respondent was convicted by the court on his plea of
28 *nolo contendere* to violating Penal Code section 664/487(c) (attempted grand theft of property

1 from a person), a misdemeanor. (*People v. Ramon Enriquez Santiago, Jr.* (Super. Ct., San
2 Bernardino District, San Bernardino County, 2007, No. FSB0700038).) The court placed
3 respondent on probation for one year, and ordered him to spend one day in jail, pay \$130.00 to
4 the Victim Restitution Fund and \$150.00 for his attorney fees.

5 b. The circumstances of the crime are that at approximately 7:40 a.m. on
6 January 10, 2007, respondent approached K.S.,¹ a female waiting at a bus stop at the intersection
7 of San Bernardino Avenue and Pepper, and began asking her questions about where she was,
8 where she was going, and whether she was married. K.S. became uncomfortable and started to
9 leave the location. Respondent tried to grab her arm and to lure her into his vehicle which was
10 parked nearby. K.S. told respondent she was not interested in him and started to walk away from
11 the location. Respondent grabbed her purse and tried to pull it away from her. K.S. feared for
12 her safety, but was able to regain control of her purse and board the bus.

13 c. On January 11, 2007, K.S. reported the attempted robbery to an officer of
14 the Colton Police Department, who was on a break near the bus stop where the incident had
15 occurred the previous day. At approximately 7:40 a.m. Officer J. Causey watched K.S. walk
16 towards the same bus stop. He saw respondent drive his car up adjacent to the victim, stick his
17 left hand out the window and gesture to the victim in an apparent attempt to lure her into the
18 vehicle. The victim appeared frightened and continued walking away from respondent. The
19 officer drove his patrol car towards respondent's vehicle. Respondent made an unsuccessful
20 attempt to flee. When the officer contacted him, respondent spontaneously told the officer that
21 he was not trying to take the victim's purse or do anything to her.

22 d. The victim told the officer she was a foreign exchange student from Japan.
23 Respondent admitted to the officer that he had touched the victim's purse, but asserted he had
24 done so only to try to guide her to his vehicle. Respondent stated that he had never seen the
25 victim before January 10, 2007, and did not know her name. He asserted that he was just trying
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28 1. The victim is identified by the initials of her first and last names to protect her privacy.

1 to protect her from strangers who might do her harm. Respondent was arrested for attempted
2 robbery.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Dishonest Acts)**

5 11. Respondent is subject to disciplinary action under Code section 2878,
6 subdivision (j), in that on or about January 10, 2007, he attempted to take a purse from the person
7 of K.S.. Respondent's dishonest conduct manifests his unfitness to practice as a licensed
8 vocational nurse. The circumstances of the dishonest conduct are described in paragraph 10
9 above and incorporated herein by reference as though re-alleged in full.

10 **THIRD CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct)**

12 12. Respondent is subject to disciplinary action under Section 2878,
13 subdivisions (a) and (d), as defined in California Code of Regulations, title 16, section 2521, in
14 that he committed acts of unprofessional conduct and violated provisions of the Vocational
15 Nursing Practice Act. The circumstances are described in paragraphs 10 and 11 above and
16 incorporated herein by reference as though re-alleged in full.

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18 **PRAYER**

19 WHEREFORE, Complainant requests that a hearing be held on the matters herein
20 alleged, and that following the hearing, the Director of the Department of Consumer Affairs
21 issue a decision:

22 1. Revoking or suspending Vocational Nurse License No. VN 213229, issued
23 to Ramon Enriquez Santiago, Jr.;

24 2. Ordering Ramon Enriquez Santiago, Jr. to pay the Bureau of Vocational

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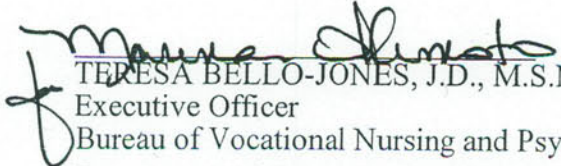
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1 Nursing and Psychiatric Technicians the reasonable costs of the investigation and enforcement of
2 this case, pursuant to Business and Professions Code section 125.3; and

3 3. Taking such other and further action as deemed necessary and proper.

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5 DATED: August 5, 2008

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8 
9 TERESA BELLO-JONES, J.D., M.S.N., R.N.
10 Executive Officer
11 Bureau of Vocational Nursing and Psychiatric Technicians
12 Department of Consumer Affairs
13 State of California
14 Complainant

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